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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

MARC SPITZER, Chairman  
WILLIAM A. MUNDELL  
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AZ CORP COMMISSION  
DOCUMENT CONTROL

UTILITIES DIVISION STAFF,

DOCKET NO. T-03889A-02-0796  
T-04125A-02-0796

Complainant,

vs.

Arizona Corporation Commission

DOCKETED

FEB 03 2004

DOCKETED BY

LIVEWIRENET OF ARIZONA, LLC; THE PHONE  
COMPANY MANAGEMENT GROUP, LLC; THE  
PHONE COMPANY OF ARIZONA JOINT  
VENTURE dba THE PHONE COMPANY OF  
ARIZONA; ON SYSTEMS TECHNOLOGY, LLC,  
and its principals, TIM WETHERALD, FRANK  
TRICAMO AND DAVID STAFFORD; THE  
PHONE COMPANY OF ARIZONA, LLP and its  
members,

Respondents.

DOCKET NO. T-04125A-02-0577

IN THE MATTER OF THE PHONE COMPANY  
OF ARIZONA JOINT VENTURE dba THE PHONE  
COMPANY OF ARIZONA'S APPLICATION FOR  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE INTRASTATE  
TELECOMMUNICATIONS SERVICE AS A  
LOCAL AND LONG DISTANCE RESELLER AND  
ALTERNATIVE OPERATOR SERVICE.

DOCKET NO. T-03889A-02-0578

IN THE MATTER OF THE APPLICATION OF  
THE PHONE COMPANY MANAGEMENT  
GROUP, LLC, fka LIVEWIRENET OF ARIZONA,  
LLC TO DISCONTINUE LOCAL EXCHANGE  
SERVICE.

DOCKET NO. T-03889A-03-0152

IN THE MATTER OF THE APPLICATION OF  
THE PHONE COMPANY MANAGEMENT  
GROUP, LLC FOR CANCELLATION OF  
FACILITIES BASED AND RESOLD LOCAL  
EXCHANGE SERVICES.

DOCKET NO. T-03889A-03-0202

IN THE MATTER OF THE APPLICATION OF  
THE PHONE COMPANY MANAGEMENT  
GROUP, LLC dba THE PHONE COMPANY FOR  
THE CANCELLATION OF ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY.

PROCEDURAL ORDER

**BY THE COMMISSION:**

On October 18, 2002, the Arizona Corporation Commission ("Commission") Utilities Division ("Staff") filed a Complaint and Petition for Relief ("Complaint") against LiveWirednet of Arizona, LLC ("LiveWire"), The Phone Company Management Group, LLC, ("PCMG"), The Phone Company of Arizona Joint Ventures dba The Phone Company of Arizona, On Systems Technology, LLC ("On Systems"), and its principals, Tim Wetherald, Frank Tricamo, David Stafford Johnson, and The Phone Company of Arizona, LLP ("the LLP") and its members (collectively "Respondents").

On September 9, 2003, a Procedural Order was issued, which set a hearing for November 3, 2003.

On November 3, 2003, the hearing was held as scheduled. Staff and the LLP were present and represented by counsel. Mr. Wetherald appeared and represented himself, Livewire and PCMG. Mr. Johnson and Mr. Tricamo appeared and represented themselves.

On November 17, 2003, a Procedural Order was issued that set the hearing to reconvene on February 2, 2004.

On January 29, 2004, the LLP filed a Notice of Filing Proposed Settlement.

On February 2, 2004, the hearing was held as scheduled. Staff and Qwest were present and were represented by counsel. Mr. Wetherald,<sup>1</sup> Mr. Johnson and Mr. Tricamo appeared telephonically without the assistance of counsel. The LLP also appeared telephonically and was represented by counsel. Before the hearing commenced, the parties jointly requested that the hearing in this matter be continued, so that they could review the Notice of Filing Proposed Settlement. After a discussion, it was determined that the parties would be given two weeks to review the Notice of Filing Proposed Settlement and, if appropriate, file a Notice of Settlement in this matter. It was also determined that since the parties may not reach a settlement, this matter should be reset for hearing.

Accordingly, the hearing in this matter should be continued.

IT IS THEREFORE ORDERED that the hearing in this matter is continued and shall

<sup>1</sup> In addition to representing himself, Mr. Wetherald is also representing On Systems and PCMG in this matter.

reconvene on February 24, 2004 at 9:00 a.m. at the Commission's offices, 1200 West Washington, Phoenix, Arizona.

IT IS FURTHER ORDERED that the parties shall review the LLP's Notice of Filing Proposed Settlement and determine if a negotiated settlement can be reached in this matter. If a negotiated settlement is reached in this matter, then the parties shall file proof of such negotiated settlement with Docket Control on or before February 17, 2004.

IT IS FURTHER ORDERED that the Ex Parte Rule is still in effect.

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend or waive any portion of this Procedural Order by subsequent Procedural Order or by ruling at hearing.

Dated this 3 date of February, 2004.



PHILIP J. DION III  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 5 day of February, 2004 to:

Timothy Berg  
FENNEMORE CRAIG  
3003 N. Central Avenue, Ste. 2600  
Phoenix, AZ 85012

Colorado Springs, CO 80919

Frank Tricamo  
6888 South Yukon Court  
Littleton, CO 80128

Jeffrey W. Crockett  
SNELL & WILMER, L.L.P.  
One Arizona Center  
400 E. Van Buren  
Phoenix, AZ 85004

Christopher Kempley, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007


Mark Brown  
Qwest Corporation  
3033 N. 3<sup>rd</sup> Street, Ste. 1009  
Phoenix, AZ 85012

Ernest Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

David Stafford Johnson  
740 Gilpin Street  
Denver, CO 80218

ARIZONA REPORTING SERVICE, INC.  
2627 N. Third Street, Suite Three  
Phoenix, Arizona 85004-1104

Timothy Alan Wetherald  
3025 South Parker Road, Ste. 1000  
Aurora, CO 80014  
USURF American, Inc.  
6005 Delmonico Drive, Ste. 140

By:   
Molly Johnson  
Secretary to Philip J. Dion III